

ORDINANCE # 07-08-448

AN ORDINANCE BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND TO AMEND AND REVISE §1-16-31 OF THE COUNTY'S SUBDIVISION RULES & REGULATIONS; §1-19-61 OF THE COUNTY'S ZONING ORDINANCE; §1-20-23(A) OF THE COUNTY'S ADEQUATE PUBLIC FACILITIES ORDINANCE & §1-21-22(A) OF THE COUNTY'S FOREST RESOURCE ORDINANCE AND TO REPEAL §1-19-60 OF THE COUNTY'S ZONING ORDINANCE

§1. Definitions. - In this Ordinance, the following terms shall have the meanings indicated:

"APFO" shall mean the County's Adequate Public Facilities Ordinance, codified as Chapter 1-20 of the Code.

"BOCC" shall mean the Board of County Commissioners of Frederick County, Maryland.

"Code" shall mean the Frederick County Code, 2004.

"FRO" shall mean the County's Forest Resource Ordinance, codified as Chapter 1-21 of the Code.

"Planning Commission" shall mean the Frederick County Planning Commission.

"Subdivision Rules & Regulations" shall mean the County's Subdivision Rules & Regulations, codified as Chapter 1-16 of the Code.

"Zoning Administrator" shall have the meaning set forth in §1-19-4(b).

"Zoning Ordinance" shall mean the County's Zoning Ordinance, codified as Chapter 1-19 of the Code.

§2. Background. - Present §1-16-31 provides, in pertinent part, that the Planning Commission, county governmental agencies, and any other person, group, agency, or organization may initiate amendments to the Subdivision Rules & Regulations. Present §§1-19-60 & 61 provide, in pertinent part, that the Planning Commission, county staff and any other person may initiate proposed amendments to the Zoning Ordinance. Present §1-20-23(A) provides, in pertinent part, that the Planning Commission, any other agency of the county, and any other person, group, agency or organization may initiate proposed amendments to the APFO. Present §1-21-22(A) provides, in pertinent part, that the Planning Commission, any other agency of the county, and any other person, group, agency or organization may initiate amendments to the FRO.

The term "person", as defined in §1-1-2 of the Code includes firms, partnerships, corporations, associations, organizations, trustees, agents, and public bodies, or any combination thereof, as well as natural persons. Hence, any individual or any artificial legal entity may initiate proposed amendments to the Subdivision Rules & Regulations, Zoning Ordinance, APFO & FRO.

If the proposed Ordinance is enacted, the Planning Commission, County Staff, any agency, organization, group, or any other person may continue to communicate suggested Code changes to the BOCC. However, in order to conserve scarce meeting and staff time and to enable the BOCC to better manage county priorities, the BOCC believes that proposed amendments to the Code should have demonstrated support among the BOCC (the body that must ultimately decide whether to adopt proposed amendments to the Code) prior to formal initiation of the proposed amendment. The BOCC believes that the amendments and revisions to the Code set forth in this Ordinance will be in the best interest of the citizens of the County and consistent with the general intent of the Subdivision Rules & Regulations, Zoning Ordinance, APFO & FRO.

§3. Amendment & Revision of §1-16-31. – Section 1-16-31 of the Code is amended & revised to read as follows:

"§ 1-16-31. AMENDMENTS.

The Board of County Commissioners may adopt amendments to the provisions of this chapter if it is determined by the Board that any such amendment will better the public interest and the general purpose of this chapter. Proposals for an amendment may be initiated ~~[by any person, group, agency or organization,]~~ by resolution of the Board of County Commissioners ~~[, by motion of the Planning Commission or by any other governmental agency of the county]~~. All amendments shall be received by the Planning Commission and their recommendation shall be submitted to the Board of County Commissioners. The Planning Commission shall hold a public hearing prior to submitting its recommendations ~~[or proposals]~~ to the Board of County Commissioners. Prior to making a decision on the proposed amendments, the Board of County Commissioners shall hold a public hearing. The date and place of all public hearings on the proposed amendments shall be advertised at least 15 days prior to the hearing in at least 1 daily newspaper of general circulation in the county."¹

§4. Repeal of §1-19-60. – Section 1-16-60 of the Code is amended & revised to read as follows:

"§ 1-19-60. [APPLICATION.] (REPEALED).

~~[(A) Any person may submit an application for a zoning text amendment on forms provided by the Planning Department.]~~

¹ Text [within brackets] and stricken through indicates matter deleted from the existing Ordinance.

~~(B) The Zoning Administrator shall review any application submitted by a person. If the Zoning Administrator, in his sole discretion, finds that all required information has been provided and that the required fee has been paid, he shall then accept the application.~~

~~(C) The applicant may withdraw, in writing, a zoning text amendment application from consideration prior to publication of the notice of the public hearing of the Board of County Commissioners.~~

~~(D) A filing fee shall be charged for processing an application for a zoning text amendment in accordance with § 1-19-28 of this chapter. Once an application for a zoning text amendment has been accepted by the Zoning Administrator, the filing fee is nonrefundable.~~

~~(E) The Zoning Administrator shall retain custody of all application files which will be available for public inspection during normal office hours. Any person may obtain, at their expense, copies of any and all papers in the file.]”²~~

§5. Amendment & Revision of §1-19-61. – Section 1-19-61 is amended and revised to read as follows:

“§ 1-19-61. INITIATION BY BOARD OF COUNTY COMMISSIONERS [~~PLANNING COMMISSION OR STAFF~~].

The Board of County Commissioners [~~the Planning Commission, or county staff~~] may initiate a zoning text amendment. No particular form is required for the Board of County Commissioners [~~Planning Commission or staff~~] to initiate a zoning text amendment.”³

§6. Amendment & Revision of §1-20-23(A). – Section 1-20-23(A) is amended and revised to read as follows:

“§ 1-20-23. AMENDMENTS.

(A) The Board of County Commissioners may amend the provisions of this chapter if the Board determines that any such amendment will be in the best interest of the citizens of the county and consistent with the general intent of this chapter. Proposals for an amendment may be initiated [~~by any person, group, agency or~~

² CAPITALIZED and underlined text indicates matter added to the existing Ordinance. Text [within brackets] and ~~stricken through~~ indicates matter deleted from the existing Ordinance.

³ Text [within brackets] and ~~stricken through~~ indicates matter deleted from the existing Ordinance.

organization,] by resolution by the Board of County Commissioners [~~by motion of the Planning Commission or by any other agency of the county~~]."⁴

§7. Amendment & Revision of §1-21-22(A). – Section 1-21-22(A) is amended and revised to read as follows:

"§ 1-21-22. AMENDMENTS.

(A) *Amendment authority.* The Board of County Commissioners may amend the provisions of this chapter if the County Commissioners determine that any such amendment will be in the best interest of the citizens of the county and consistent with the general intent of this chapter and Md. Code Ann., Natural Resources Article, §§ 5-1601 through 5-1612. Proposals for an amendment may be initiated by [:

- (1) ~~Any person, group, agency or organization;~~
- (2) ~~Resolution of]~~ the Board of County Commissioners [;
- (3) ~~Motion of the Planning Commission; or~~
- (4) ~~Any other agency of the county]."~~⁵

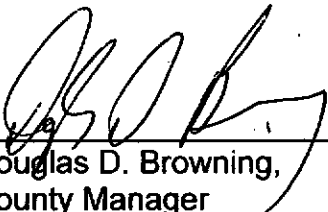
§8. Effective Date. - This Ordinance shall be effective on the 13th day of April, 2007.

The undersigned hereby certifies that the Board of County Commissioners of Frederick County, Maryland approved and adopted the foregoing Ordinance on the 3rd day of April, 2007.


ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND

By:



Douglas D. Browning,
County Manager



Jan H. Gardner, President

Kcm
4/4/07

⁴ Text [within brackets] and ~~stricken through~~ indicates matter deleted from the existing Ordinance.

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